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In re Application of

Kitchell, et al.

Application No. 10/083,657

Filed: February 25, 2002

Attorney Docket No. 01017CIP

FEB 27 2006

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 14, 2006.

The renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed May 4, 2005, which set a shortened statutory period for reply of three-months from its mailing date. No response was received within the allowable period, and the application became abandoned on August 5, 2005. A Notice of Abandonment was mailed on December 30, 2005.

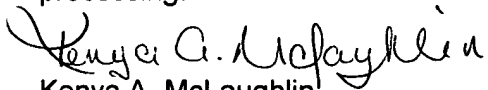
Petitioner argues that a reply to the non-final Office action was transmitted via facsimile on August 3, 2005, and received by the Office. As evidence of the same, petitioner provides a copy of the certificate of transmittal under 37 CFR 1.8 noting twelve pages of an amendment sent on August 3, 2005, and a copy of the transmission sheet indicating that 12 pages were transmitted to the USPTO main facsimile. The renewed petition is accompanied by a statement from Ms. Kim Blum recounting her personal knowledge of the transmission of the amendment.

Based on the aforementioned, it appears that the application improperly held abandoned as a bona fide response was received prior to expiration of the period for reply. The holding of abandonment is withdrawn, accordingly.

No petition fee is due.

The address as cite don the petition differs from the address of record. Although a courtesy copy of this decision is being mailed to the address cited on the petition, all future correspondence will be mailed solely to the address of record until appropriate written instructions to the contrary are received.

The application file is being forwarded Technology Center 3700, GAU 3725, for further processing.


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